Fax Cover Sheet

To:

Ms Donna Wieting

Company:

NMFS

Fax Phone:

301-713-0576

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From:

Michael Hyson

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May 31, 2000

Donna Wicting, Chief Marine Mammal Conservation Division Office of Protected Resources National Marine Fisheries Service 1315 East-West Highway Silver Spring, MD 20910-3226.

Fax 301-713-0376

Dear Ms. Wieting:

In the Spirit of Aloha,

these comments on the Navy LFAS project demand the following:

- 1) The Navy's application for a "small take" permit must be summarily rejected as totally absurd. Restore the quiet and sanctity of our planet's oceans! Pull the plug on LFAS. Stop the racket!
- 2) The Navy's LFAS FEIS is fatally flawed by its bias, poor science, and its ridiculous extrapolations from limited and absent data demonstrate our massive ignorance of the many marine species in their environment, and LFAS's effects on them. Based on this document alone, the NMFS must reject the Navy's application for a "small take" permit and demand a totally new or supplemental EIS.
- 3) I conclude that the basis of the Navy LFAS FEIS is a "reverse engineering" attempt to justify primarily the 180dB level of sound as "safe" despite much accepted evidence to the contrary. This is the opposite of science. Were the NMFS to grant the Navy's request, this criterion would be applied to all future applications, giving the Navy carte branche to continue in their decimation of the ocean's creatures with many other systems that will come up for approval in the future.

In this sense, the LFAS project is a "red herring" to distract NMFS and the people of America from the totality of the change in naval warfare now underway. The LFAS is merely the start of a "sea change" in the nature of warfare, a harbinger of even more lethal systems that the Navy will seek to deploy in the future. Close this barn door now while we still have reasonably intact oceans and the Whales, Dolphins and fish are still alive.

- 4) Applying the "precautionary principle" to the demonstrated and possible harm of the LFAS technology, its testing and deployment must be rejected. The burden of proof is on the Navy to prove that LFAS is safe. This they have utterly failed to do. Therefore, the permit for a "small take" must be rejected until such proof is provided. Given this, NMFS lacks the data to conclude that LFAS will have a "negligible impact" on the planet. Again, on this basis alone, the Navy's permit application must be rejected.
- 5) The existence of significant new data and results especially concerning resonance effects of LFAS on lungs, sinuses, ears, fish bladders, and other structures, yet to be considered in any meaningful way by the current FEIS, and the implications of the novel forms of damage that this new data suggests that LFAS may cause REQUIRES the NMFS to demand a new or supplemental EIS that takes this data into account.

The Navy has the capability and resources to conduct a thorough review and modeling of all this data, including, for example, full finite element analysis models of the response of the ears and air spaces of the Cetacea and other marine mammals to LFAS sounds to access the potential for tissue damage, hearing loss, and death.

New empirical experiments must be done to access the implications for the oceans as a whole and the creatures that live in them, and the effects on ecosystem performance, productivity, biodiversity, entiretion rates, and numerous other factors. Thus the correst permit application must be rejected pending proper analysis and research incorporating this new data showing clearly that LFAS is safe for our planet.

- 6) New data, yet to be address by the Navy, or NMFS, or the current Marine Mammal Protection act, or the Endangered Species Act have arisen during this comment period. These data demonstrate:
 - a) the self-awareness of the Cetacea, as demonstrated by recent "mirror" experiments.
 - b) Cultural transmission of information across generations by Cetacea, eg. whalesong
- c) further evidence of language and communication skills including tool use such as computer use by Dr. Ken Marton and language skills demonstrated by Dr. Louis Herman (expanding on the pioneering work of Dr. John C. Lilly, Dr. Hank Truby, Dr. Wayne Batteau and Dr. Patrick Hanagan) as well as the evidences of the Cetacea having their own language and syntax by Markov and Ostrakava)
 - d) New data showing their **lifespans** are some **200** years, making them the longest lived of all creatures
 - e) Growing appreciation that with their senic and other skills they are able to heal diseases and various neurological conditions in humans that are beyond the ability of current human medicine, eg. Dolphin Assisted Therapy (DAT). (See, e.g. the works of Dr. Steven Birch, Dr. Robert Nathanson, Dr. Hank Truby, Dr. Betsy Smith. David Cole, and the Proceedings of the First and Second International Conferences on

Dolphin Assisted Therapy, as well as a large and growing number of reports by people testifying to such results from their personal interactions with the Cetacea)

- f) Growing appreciation that Dolphin Assisted Underwater Births lead to increased wellbeing of our children, including such benefits such as more rapid and superior early development, increased brain size, and increased IQ. (See the works of eg. Igor Tcharkofsky, Dr. Michel Odent. Dr. Gowri Motha, and Estelle Meyers, et alia)
 - g) the Cetacea possess the largest and oldest brains on the planet, exceeding our own in size, intelligence, capability, and cultural history; in fact, the Cetacea have had superior brains and abilities for several times longer than our entire evolutionary history as the genus Homo ... for some 15 to 30 million years.
- g) Our renewed and expanded appreciation of the Cetacea leads me to the conclusion that they are more intelligent than humans, and the fact of their culture and cultural transmission of knowledge across generations shows us that they are and have been a multi-species culture of the greatest antiquity.
 - h) The trait of self-awareness, shared only with humans and the great apes, places the Cetacea in a similar category to humans. In fact, as stated in resolutions now enacted by cities and counties in the United States, they are "living cultural resources" inhabiting 3/4 of the Earth's surface.
 - i) Civen the above, the Cotacoa are now seen to be similar to or superior to human beings in all major traits that we have used to define our own species as a people, and that all these traits are shared by the Cetacea.
 - j) The Cetacea's scientifically demonstrated capabilities and traits puts them in a unique category, yet to be reflected in current legislation. In fact, the Cetacea are a sovereign people entitled to recognition under our laws as the Cetacea Nation and as living cultural resources, as has been legislated by the City of Maliba. California. In this, the Cetacea now have a status similar to that of the Australian indigenous people, who were legally game animals until they gained their rights as human beings in 1967.
 - f) The knowledge and skills of the Cetacea are providing and will continue to provide new and novel benefits to humanity that will enrich the entures of the world. Given our current state of ignorance of the Cetacea, the possibilities are indeed vast and open.
 - k) Therefore, the Marine Mammal Protection Act its, it is deficient trecause it fails to include these new data. Therefore, it must be re-written to reflect our new knowledge of their status, sentience, awareness, intelligence, knowledge, and their cultural history, as well as the benefits to humanity that will be realized when they are properly recognized and honored for the awesome beings that they are.
 - 1) The implications of the fact that the Cetacea are a people suggests that Cetacea maners be namined by the State Department, and the United Extrions, and that

appropriate treaties of cooperation and friendship be enacted by the American people, Congress and the other nations of Earth.

- m) From this point of view, deaths of Cetacea cause by human activites such as LFAS, whaling, pollution and other insults are genocide. I suggest that humantiy as a whole embrace this new view and begin a concerted effort to preserve, protect, and enhance the wellbeing of the Cetacea
- 7) Divers, swimmers and children in the water are at risk from LFAS which may already be having deleterious effects on coastal human communities. The sum total of demonstrated effects and plausibly predicted effects exceeds the "small-take" criterion and I therefore completely reject any conclusion of a "negligible effect" by NMFS.

Besides the deaths of Cetacea, the effects could include changing the migration routes of birds that depend on sensing low-frequency sound for navigation and disrupt planaton and micro-organisms in the oceans. The damage that may occur can effect our very food supply by killing fish, disrupting ecosystems worldwide, reduce the biodiversity of the oceans and in the process endanger much of the life of the Earth, especially humans that may die when their food supply is reduced.

LFAS, should it effect the oxygen production of the oceans, may even damage the air we breathe. We at this point, must consider this and other effects of any system that will be implaced over 80% of the oceans, and will be deproyed by many other nations as well. Should NMFS approve the Navy's application, it will thus give facil approval to other nations efforts along the same lines.

8) The Navy has failed to include all relevent aspects of a total project in their FEIS. This is called "segmentation, and is against the law. Therefore, NMFS must reject the Navy's application until this is corrected. Specifically, the 4 LFAS test ships are only the start of a much larger testing and deployed system. The Navy has already cut contracts for 23 more LFAS vessels (Dr. Alex Leonard, personal communication). By limiting the FEIS to just the effects of 4 test ships while fully intending a to use 27 ships or more?" of the same type shows that they are guilty of segmentation to obscure the total effects of LFAS from the NMFS, the American people and Congress.

In fact, LFAS is part of a massive change in tactics and strategy which is underway as I write this. Part of this change is the creation of supercavitation (SC) technology, pioneered by the Russians, and presented in the current May 2001 issue of Scientific American. It shows that we now have rocket propelled torpedoes capable of 200 MPH; speeds. It is rumored that the Kursk was sunk when a Skval ("Squall") torpedo mathimetioned. Already the Russians (our NATO allies?) have sold Skval's to China, Iran, and France, at least, They have also been selling Kilo Class diesel-electric submarines to nations tike North Koraa. These substance super quiet since Toshiba released the means to make quiet propeliors several years ago. With the addition of aluminum burning engines, or fuel cells, for example, these substance much quieter than current nuclear substand can have ranges like 4000 miles. It is thought that the supercavitating technology, by which an underwater vehicle create that shock wave at the nose of the vehicle, and then pumps gases from its rocket organish befind the shock wave to create a bubble around the whole vehicle. This reduces draw immensely, and may allow

hypersonic speeds underwater. With the addition of stealth technology, this may lead to hypersonic stealth submarines and other similar weapon systems.

One of the best ways to propel an underwater SC vehicle or torpedo is a detonation wave rocket engine. These were tested on torpedoes some 30 years ago by Jet Propulsion Laboratories. They had a specific impulse of between 800 and 1000 underwater.

I once was personally involved in the testing of two types of detonation wave engines in the air, and they are very loud. They make a rapid series of explosions that generate a nearly continuous series of shock waves. Since this is a likely method of propulsion for SC technology, I ask the NMF3 to look into the possibility that the LFA3 is a cover for such testing, especially in the Bahamas incident.

One reason I suspect this is the description of the damage to the whales in the Bahamas includes:

Bleeding from the eyes

Bleeding from the tissues surrounding the ears

Bleeding behind the brain in the highly vascular *rete mirable* that the Cetacea use to pump oxygen to the brain during dives

Bleeding in the brain

Bleeding in the cochlea.

While Dr. Lee Tepley and I, along with Ken Balcomb. Steven Birch. David Willams, and others have come to the conclusion that LFAS can certainly cause barotrauma through airspace resonances, and consequent ripping of tissues, it is curious that several of the areas of damage. like the eyes and brain, lack air spaces to resonate. So the question arises:

According to Dr. Ketten, an expert in Cetacean hearing and hearing damage whose expertise is acknowledged by the Navy, and who is performing the analysis of the damage to the whales that died in the Bahamas — lists the kind of damage seen from shock and the Bahama whale deaths are consistent with SHOCK WAVE DAMAGE.

There are many possible sources of shock wave damage. The most direct is simply a large bomb explosion in the water. They generate lethal shock waves out to various ranges depending on their size.

Yet another cause is that the whales came too close to the sonars being used. At very close ranges, the high intensities of sound could simply rip tussues. Another possibility is that LFAS and the Mid-Range Sonars at close ranges can produce shock waves, especially if used in a Time-Reversed Acoustic mode.

I feel that similar teclaniques could develop powerful vortex rings in the water that would travel long distances at high speed. This is something like a "smoke-ring" under water that could carry large energies to extreme ranges while maintaining its shape and power.

Still another likely possibility is that a Super-Cavitating device, perhaps a torpedo, driven by a detonation wave engine, could produce large shock waves both from the bow shock required

to make the SC "bubble" around the torpedo, as well as repeated and rapid shock waves from a detonation wave engine.

Any creature near this device as it went by could be severely injured. If the device were traveling at 200+ MPH, there would be little chance for anything to get out of the way.

One reason to investigate such a possibility is that ALL the beaked whales in Ken Balcomb's study group are now gone, and presumed dead. What mechanism could kill ALL of them?

Perhaps an SC torpedo in cruise mode, with navigation aided by external sonars, or wire-guided, traveled a long distance through an underwater canyon and the shock waves propagating from it killed them.

Please look into these possibilities.

The US is already developing SC bullets for area defense. Thus, undersea warfare is tending toward something similar to rapid 'dogfight' styles. In this environment, it is a serious question what will happen to anything living in the oceans. And this is still just the beginning. There are phased array focusing electromagnetic explosion generators that are intended to eliminate mines, hypervelocity SC bullets to be fired from helicopters to eliminate mines and other targets, and I am sure, other newer and acoustically loud devices.

From a former electronics specialist on nuclear submarines (see Appendix ??). I have learned that LFAS is likely to be used for detection. While I have commented earlier on the Time Reversed Acoustics mode that LFAS could be operated in, and that this made it a weapon, it appears that this would be only useful at realtively short ranges. I still maintain that the Navy is never in a property of the property of the content o

The Russian fleet has stayed in port for some 2 years. So their threat to the US is greatly reduced. The Russians are, however, selling Kilo Class diesel-electric submarmes to various nations, notably North Korea. As noted above, they have sold SC torpedoes to other countries and continue to develop the technology, perhaps to include a SC Submarine capable of hyperconic speeds. The US has similar research programs underway.

The main point here is that such SC technology changes the ontire complex on of underseat warfare to one in which it may be dangerous just to be in the water. The artitary is therefore one of the largest threats to the oceans and its creatures. If NMFS chooses to exercise its legal mandate to protect marine mammals and by extension, the oceans, then they will begin investigations that will curtail military environmental degradation. Remember, most the devices being developed will be tested eventually, and then made operational, then deployed, by the US and other nations. The total effect on the oceans will be vast, and therfore, it is time to look at this problem and stop these developments.

I suggest that NMFS contact Congress and the UN on these matters. The operation of the US Navy and other navies is an ongoing and increasing source of carrage to the marine mammals and the oceans. If this continues there is a possibility that when the oceans are rafe for democracy, and after years of operating the LFAS, other sources, SC toquedoes, SC

submarines, phased array explosion devices, SC hullets etc. etc. the oceans will be clean of spurious targets like fish, whales, seals, manatees, dugongs, and most everything else. There is the dubious prospect of the military killing the planet they seek to defend, even though they may never fight a war. Then if a full undersea war does occur, there will be even more chaos and destruction. It looks as though even peacetime operations could kill the oceans.

As Eisenhower pointed out, we are being "crucified on a cross of iron", run by the military-industrial complex. The NMFS can help divert this outcome by calling on Congress for full hearings on the funding, testing, and environmental damage now occurring from the actions of all the militaries of the planet.

9) The range of the requested Navy permit exceeds the authority of the NMFS and involves the resources and territories of many countries, and beings which are the common living cultural heritage of all the peoples of the world. Any permit covering 80% of the oceans is by definition, beyond a "small take" exemption, and by definition beyond the description of "negligible impact". We demand that you rule against the Navy's request, and admit that this matter is well beyond your jusidiction. You must refer this matter to Congress, the President, and on behalf of the Cetacea Nation, to the State Department and the United Nations. This matter is one which is properly dealt with by agreement with all the nations and peoples of the Earth, especially our beloved Cetacea people.

10) How can NMFS possibly justify its apparently cozy relationship with the Navy? Why

submarines, phased array explosion devices, SC bullets, etc. etc.. the oceans will be clean of spurious targets like fish, whales, seals, manatees, dugongs, and most everything else. There is the dubious prospect of the military killing the planet they seek to defend, even though they may never fight a war. Then if a full undersea war does occur, there will be even more chaos and destruction. It looks as though even peacetime operations could kill the oceans.

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- 10) How can NMFS possibly justify its apparently cozy relationship with the Navy? Why have you gone along so thoroughly with the Navy's wishes? The Navy is the agency you are legally mandated to REGULATE, and such regulation is MANDATED by the Marine Mammal Protection Act. Some 80-95% of Americans, and a similar percentage of all people support the preservation and protection of the Cetacea and wish an end to whaling, pollution and military activities that may harm them. You are betraying your sacred public trust should you give in to the Navy's request. Deny this Navy Permit and all similar permit requests in the future. Please do your job.
- 11) Mechanisms by which LFAS and Mid-Range Sonars may damage Cetacea and other creatures. As detailed by Dr. Ken Balcomb, and Dr. Steven Blrch, the LFAS sonar may cause resonances in air spaces at various depths. The Cetacea have extensive air solled sinuses that are used to compensate for depth changes and to reflect sound, as part of their sonar systems. At certain depths and frequencies, the air spaces will resonate. Messonate, the air in the cavity rapidly changes size, getting bigger and smaller, and if the change is large enough, it can rip tissues, causing bleeding. The middle ear has an air or vito that must change in size with depth. Other sinuses, and the lungs can also resonate and be thus damaged. With Dr. Lee Tepley, I have calculated the resonant frequencies at various dapths for male and female free divers, scuba divers, as well as the Cuvier Beaked Whale lungs and perygoid sinus, the lung resonance of the Bottlenosed Dolphin, and the Finback Whale lung. This is detailed in the tables following this paper.

In addition, the whale cars use a tympanic bone in place of our cachain to gain low frequency response. The tympanic bone in the dolphin resonates at a "first hundred 11 arts" according to Dr. Gerald Fleischer, [Gerald Fleischer@audio med.uni-glessen de e "addio v Mescare". School of Medicine, University of Giessen. Telephone Namber 199 (ad 1991-1989).

Fax +49 641 99-47189, Address: Arbeitsgruppe Hoerforschung, Klinikum der Universitäet, Attn. Prof. Gerald Fleischer, Aulweg 123, D-35392 Giessen J. author of Evolutionary Principles of the Mammalian Middle Ear, Springer-Verlag, New York, 1978. He has determined that the baleen whales also use the tymnanic bone for detecting low frequency sounds, much like the toothed whales. He states that:

"As to your questions I can tell you:

- 1) The monograph "Evolutionary principles ... " details structure and mode of operation of the ear in whales and dolphins, in the relevant sections.
- 2) I did some measurements as to resonances of the low-frequency receiver. In large baleen whales it is as low as about 30 Hz. In the smaller whales and dolphins this natural frequency is higher. At this natural frequency the ear is most sensitive to damage. More info is in "Evolutionary principles . . . "
- 3) The range of 100 Hz to 1000 Hz will certainly also effect delphas and their communication systems.
- 4) Although such data are critically important, there have been no detailed measurements of these modes of vibration across whales and dolphins + at least as far as I know. Technically this would be no problem."

Thus we see that the Navy could have easily contacted Dr. Fleischer, whose work is well known to Dr. Ketten, for example, and determined exactly what the resonance effects for LFAS are. From the Scientific American article on SuperCavitation, we learn that the Navy used 76 Cray computers to calculate the turbulent flew around terpodoos, using finite element models. Something similar could solve all the remaining questions of airspace and lung resonances for the Cetacea and other creatures.

Surely that was something the Navy should have done. After all, they say they spent 10 million dollars on their study. One wonders what the spent the modes one since so little progress is reflected in their FEIS.

This leaves Dr. Topley and I and people like us to do the News job for five, on our own time and resources, that are much smaller than the Navy's.

One also wonders at the near total silence of the marine mammal science a must nity on this issue. I suspect this is because the Navy funds a majority of the work in this field and that scientists know that they have to "tow the line" or lose their grants and positions. That said, Dr. Tepley and I got some useful results. I encourage you to I sok at the tables. I will summarize the results here.

A) There is little to distinguish LFAS from Mid-Range Somers, in feet at the lower frequencies, the resonance displacement are most logic. Variance enough to damage tissues, in the lungs, the sinuses, and the middle cars. We have just received a paper that confirms the resonance calculations in the tables relieve (see

Appendix III)
40 Hz, vs the
are in close
and it has also been

Interestingly, the value for a male lung at the surface is calculated to be experimentally measured value of 39 Hz. Thus the model and reality agreement showing that the Andreeva equation applies to lungs confirmed for fish swim bladders.

This means that lungs and likely other air filled cavities can be modeled by these equations. One open parameter was the elastic modulus. Mu, which was estimated as between 10\6 and 10\7. The measured results for human lungs favor a value near 10\6, so please concentrate on the cases in the table calculated with the lower value of Mu.

Also, the experiment showed human lungs to have a Q near 6-7 rather than our estimated value of 10. Therefore, the dispalcement values in the table are high by 30-50%. I have too little time before this has to be faxed to change the tables now. This will be fixed on our web-published versions.

B) Divers, both SCUBA and Free divers are at risk even at the sound level of 157dB. This once and for all demolishes the Navy's argument that — only mid-range sonars are dangerous, and that even 157dB, near the levels estimated to be encountered by the Cuvier Whales in the Med and the Bahamas.

At a 157dB his level, given our calculated dispalcements at resonance could be fatal. The "180dB as safe" argument falls apart—the NMFS should reject one such simplistic criterion and specifically reject the Navy's conclusions.

The tables also show that the LFAS frequencies lend to greater displacements than the Mid-Range Sonars at 3500 Hz. Thus the statements by the Navy, Joe Johnson, and Dr. Kurt Fistrup are misleading. While there is a great difference in Mid-Range sonars and LFAS, the TRUTH is that the LFAS is MORE dangerous?

IF this is the kind of misleading data that the Navy is giving NMFS, then the FEIS chould be sorapped, and all figures done by the Navy shoeled for similar manipulation and mindirection. In short, the Navy likely leaders they are misleading, and it is the NMFs to keep them honest.

Another main conclusion is that smaller lungs resonate in the mid-range of LFAS frequencies. Female humans and children have smaller lungs, therefore, females and especially children are at higher risk.

What is the Navy's mitigation procedures when they are operating off beaches where humans swim? Are we all going to have to keep our children out of the water from now on? Are our coastlines now dangerous? Are we to stop swimming in the name a National Security?

What price is the Navy willing to impose on all of us? I thank that there could easily damage suits when all this is over, and perhaps the NiMFs as the regulating agency that is considering granting the Navy permit should be likely.

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up to

Is this the real reason that NMFs has chosen to ignore all reports of injury to humans? If so, then NMFs is praticipating in the same kind of misleading reportage as the Navy. In simpler days, we called this lying.

12) Co-Resonances

In Appendix IV is shown the resonance model for the middle ear of the dolphin. (after Fleischer) The resonance for reasonable values of the radius of the box, the plate area and thicknes representing the tympanic bone of the dolphin and the other parameters are estimated and come out in the LFAS range.

As pointed out by Dr. Lee Topley, whales and delphins might be hit by several resonances in one dive. We would like to have had the time to see if there are co-resonances, in which, for example, a lung at resonance becomes a sound source of its own. If the Q of the system is 10, then the re-radiation of the lung is actually 10X the incoming sound pressure that sent it into resonance. Therefore, the lung becomes and acoustic amplifier. Then, in a decidating the effects of LFAS, one must consider any resonant eavity to be a sound source. LOCOER than the original LFAS signal, just multiply by Q.

13) Types of Marine Mammal Ears

There are at least 4 basic types of ears involved in the LUAS affected species:

- a) a typical mammal ear as in seals.
- b) a modified ear for the Sirenia, a typanic bone and tympanic ligament drives ear in dolphins.
- d) a dolphin etyle tempanic hone and licement driven our in Myetic store and a tympanic bone driven ear where the sympanic bone is sused to the malous as in Kogia. Ziphius and Sperm whales.

For the Navy to ignore these differences, and lump all whales in the same category, as if they were similar in most regards is reprehensible. To then generalize as they have to all species and all oceans and all conditions from so little data is just plain WRONG. ANY conclusion derived by such simplistic analy denotes be recented.

If a couple folks with a Pentium 90 can come up with a more small analysis disn the Navy in less than a month of work, with all the problems of trying to work drough the misleading arguments of the Navy, with very little resources, one must good an upont the Navy did with their 10 million dollars that they claim to have spent on their "ascarch". The example, they could have just called Dr. Fleischer, whose work is known by the second they spent the 10 million to cover up the truth. Another reason to reject their permit.

Finally, Dr. Ketten in her work honestly points out the vast are is of ignorial to or which the accessments must be based, and we should therefore bean in the datach in a location. Dr. Ketten shows that mammal ears, at least in terms of damage, respond rather similarly to similar sound levels. Hearing damage begins at about 80dl3 at \$1.500 mm, in or hiero. There is absolutely zero reason to think that 180dB levels are safe for an interest in a child on self-serving conclusion of the Navy. After all, we are alking the or the last in a child on.

woment, men, dolphins, whales, seals, manatees, dugongs, fish, and all the other inhabitants of the ocean. If I were placing a bet, it would be a good bet that the Navy is wrong. In the interest of all of us that live in and play in and work in the oceans. NMES must reject the

woment, men, dolphins, whales, seals, manatees, dugongs, fish, and all the other inhabitants of the ocean. If I were placing a bet, it would be a good bet that the Navy is wrong. In the interest of all of us that live in and play in and work in the oceans, NMFS must reject the LFAS project as presented, and DEMAND of the Navy, a NEW and HONEST EIS.

I could go on. As must be abundantly clear, the Navy is whitewashing the truth, pulling the wool over our eyes. Please see through their illusions to the truth.

Thank you for yor patience! Please decide for the people. Please decide for the Cetacea. The fate of our oceans may be in your hands. Choose wisely and well!

Please follow your heart and 90% of the American people and reject the Navy's premit.

Sincerely, in the Spirit of Aloba,

Michael T. Hyson, Ph.D. Research Director and Co-Founder

Paradise Newland. Founder, Sirius Institute

CC: President George W. Bush

The US Department of State

Michaele Gover Phil

Secretary General Kofi Annan, United Nations

APPENDIX I. HILO RESOLUTION

WHEREAS, the County of Hawaii's coastal waters are biologically unique and a number of endangered or threatened species either live in the coastal area or depend on coastal waters for survival; and

WHEREAS—the County of Hawaii is a unique and still pristine environment, the natural areas and species here are precious and

WHEREAS this region is home to many whales, dolphins, Monk seals and other marine species and

WHEREAS Humpback whales and others come here regularly to food, rest, birth their children, which is a rare and wonderful event happening in only a few areas of the entire

WHEREAS abusine exploitation of dolphins and vehalor for execute and realitary purposes has been authorized by federal law and regulations of the defense and communice departments including Title 10 U.S. Code 645 section 7524, that such abuse is abhorron, and that secrecy in marine mammal programs of the government is distorting both science and democracy; and

WHEREAS, the County of Hawaii supports higher water quality standards to eliminate pathogens (viruses and bacteria) and nitrates and sulfates from sewage and toxic chemical pollutants from industry which create conditions bazerdous to all species in our coastal waters,

WHEREAS there is now a clear opportunity to open full economic eaties with the Consession (whales and dolphins) and initiate other worthy projects to integrate Consession and human culture and

WHEREAS scientific reports and experience show that the Cetagea are able to restore the wholeness, sanity and joy of humans, have assisted in the birth and restoration of children, and have been a delight to humanity across many ages and cultures said.

WHEREAS—the growing interest in Cetacoans has fed to who or variables and other enterprises are already generating at least \$350,000,000 year to the global economy, and is a major economic input to our economy and

WHEREAS, dolphins and whales have brains in the human on go of size or tarnor. Co mty of Hawaii recognizes that the Cetacea are the first global society, suitchining branches, and have lived in harmony with the ocean for millions of years and

WHEREAS, the County of Hawaii opposes pollution or disreption of the ocean environment or the communicational sphere or society of the Cetageans, and opposes the theft of their acoustic bandwidth for commercial, military or research use and refeat appears clearliness and maintenance of the oceanic environment and averability of the acoustical resides they require and

WHEREAS, the County of Hawaii recognizes dolphins and whales as a LIVING CULTURAL RESOURCE that benefits the peace, beauty and environmental health enjoyed by humans, and holds that their best, highest role is as a living cultural resource to be seen, listened to, communicated with and studied respectfully and harmoniously for what knowledge or wisdom they may impart; and

WHEREAS, County of Hawaii acknowledges surveys estimating that 95% of the American people support this view and advocate legal protection of dolphins and whales as individuals; and

WHEREAS dolphin researcher Dr. John Lilly and others have proposed that the United Nations at last recognize the Cetaceans as aware, intelligent, sentient beings entitled to our global protection and respect and who are entitled to the same rights and privileges as are human beings, and

WHEREAS—the City of Malibu California has already declared its coastline a "shared human/Cetacean habitat" where the rights of the Cetaceans and the humans to a clean environment and proper treatment are already established, and

WHEREAS the Hawaii area is ideal for the development of these and similar projects that will bring global interest to Hawaii, and

WHEREAS Hawaii is inhabited by Earth-loving people who support and honor all creatures, and

everywhere, where people, Cetaceans, the Earth and nature are all bonored.

THEREFORE we declare that the County of flawaii and its coastlines is a now officially recognized as a Human/Cetacean Community, a community shared between the Cetacea and Humans and

THAT the County of Hawaii is a sanctuary for the Cetacean onlines and the humans that choose to interact with them, and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and County of Hawari, do hereby declare Hawari a "Human-Cetacea Shared Environment" and resolve to consider the wellbeing of the local resident and migrant marine mammals and encourage continuing efforts in cooperation with governmental and civic organizations to improve the relationship between human beings and Cetaceans.

THAT—the Cetacean and Human rights to a clean and protected environment shall be upheld and

THAT existing laws shall be administered in ways consistent with this resolution, that existing laws protecting our coasts, cultures, creatures and plants be properly administered, and that other legislation required to support the above goals be enacted.

WITH THIS RESOLUTION the County of Hawaii will protect, restore, preserve and enhance the environment we mutually share with the Cetacea.

Appendix II. The State of Naval Warfare & the Threat Environment

Extremely Urgent

Date: 5/31/01

Time: 9:47 PM

Number of Pages: 7

Fax Transmission

To: Donna Wieting

Company: NMFS

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Hy/fech

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Pahoa

United States of

Additional Comments:

PAGES 15 to 20 FROM

Dr. Michael Hyson

Appendix H. The State of Naval Warfare & the Threat Environment

O:

Do you think that the LFAS could disrupt the 200 mph plus torpedoes?

\mathbf{A} :

Good question: I don't know. I suspect, however, that its real value lies in its being able to penetrate thermoelines. It's a standard sub offensive factic to lie in wait at low power levels below a thermoeline (because of the change in water density, a thermoeline tends to reflect current sonar upward). LFAS, because of its longer wavelength, may provide greater penetration at the boundary layer (as well as increased detection ranges). With several highly sensitive, passive receivers in the water (well removed from the transmitter), much fainter returns can be heard and trianglulated. I suspect that increased detection range accounts for the high power levels.

Q: As Capt. Williams suggests, the LFAS might strip the enclosing bubble from the projectiles and slow them or destroy them.

At certainly seems possible (and I don't know enough about either high speed torpedo technology or LFAS to provide much more than SWAG comments), but, it would seem to me that such "stripping" would require very high power levels (at any frequence). Since signal strength decreases rapidly with distance from the transmitter, such an effect would only be relatively short-ranged. With that in mind, the target still has a problem with a conventional torpedo speeds (unless the sonar signal itself can damage/destroy the torpedo or cause the rapid increase in friction to do the same thing)

Current ASW strategy focuses on long range detection and prosecution of unknown subcontacts before they are within weapons (either missle or torpedo) range. This accounts for the composition and battle formation of a typical carrier battlegroup (CVBG). All thrego a discussion of CVBG ASW tactics here. Suffice it to say, if a romodo is detected in the water, ASW efforts are consided a failure.

One other note here; launching a weapon from a sub immediately broadcasts your position. And a torpedo track (or missle for that matter) points right back to the hars hip sition.

Q. In any case, I now have a greater approxiation of what the Navy feets they in verto deal with. A:

It's a tough nut to crack, no doubt about it. One interesting point—above the watering the sky is transparent for about a 200-300 nm radius because of the use of aircraft corb (warning radar (AFW). Yes, control of the air requires advanced aircraft (when defending to fleet, lighters are defensive weapons). If A-18s and I/-14s and fairly sophism, the manufaction of fighters AFW that makes them so effective — the incoming threat can be accused in I fighters assigned well outside the enemy aircraft's engagement range.

Had an interesting conversation with an active duty submariner recently. Among other things, two topics might interest you.

First, he described the current state of the opposition to USN operations, worldwide. The Russians have not sailed in two years, according to this gentleman (and several other sources as well). Russian nukes are tied to their piers providing electrical power to shore. North Korea has a sizable number of mini-subs. The Chinese are operating a flect of fairly modern desiel-electrics (Kilos and Type 209s I believe). In the Gulf States Middle East the are a handful of older desiel-electrics. His overall assessment was "all coastal defense stuff" and it was his belief that there was no blue-water challenge to USN operations.

I did not get a sense from him that any of the above were considered significant threats.

He also described a fast attack boat that had recently been fitted with a new sonar which had exceeded its development cost by a significant margin and was new consuming the boat's operation maintenance budget. Said the problems were such that the boat could no longer purchase replacement parts for the powerplant.

Have been doing a little bit of basic research on LFA and noticed a few thir est

According to the Sea Shepard statement to NMFS opposing deployment of the LFA sonar:

"The Navy has asserted that the LFAS testing program was not designed to evaluate "worst case scenarios" and thereby justifies its extrapolation from honessee in affects at RL 140 db to affects at RL 180 db. However, the Navy's definition of 'employment' of the system does not include the actual use of the system for the purpose for which has was created. Outside of war games, at any time of declared "heightened threat reaching and all proposed valued of warful be abandoned, meaning LFAS is likely to be overrared in many shore areas, at full 230 db source levels, and whether or not octaveans are sighted within 1 km of the deployment vessel. As the Navy intends to except tiself from 80 lists have a decays it necessary — inevitably creating thereby the "worst-case scenario" for which they dainst they have not conducted tests..."

From the information that you forwarded from Dr. Steven Birch. . .

"... option in Tropiencies for detection decrease as range in research in ...

And from sifersbe@bayou.ub.edu writing on the semifiltary a two i new gardap:

"The materalls $\leq sp \geq$ are more commonly notated as "PMN" (for lead,magnesium,niobate). A search for 'PMN' and 'sonar' or 'transducer' should bring up many hits."

"Basically PMN is used to form an electrostrictive ceramic. The primary use of such a material is in high power low frequency application, like Airborne Low Frequency and Low Frequency Active, to name a few Navy projects. PMN materials have been under investigation/development for years now. They are useful in producing powerful low frequency signals, but amont $\langle sp \rangle$ their drawbacks. AFAIK, is the fact that they are relatively tough to manufacture and have some operational temperature sensitivities as well".

"I think "perfectly transparent" is a bit of an exaggeration, but there is no doubt that the USN has been throwing a lot of money at technologies underlying low frequency work for sea sensors. Of course, developing transducers that allow for even greater power density begs the question of possible environmental impact - but that is unother subject."

All the above, when combined with Steven Ashley's Scientific American article, my naval contacts, current naval ASW tactical doctrine, the nuclear weapons togability of the PRC and the political situation regarding PRC/ROC/USA, point to a perocited significant threat from PRC Kilos and 209s to US Navy CVBGs.

Since the CVBG is the preeminent power projection mechanism for US foreign policy, according to strategic doctrine any threat to the CVBG represents a threat to America's dominant position in world affairs and must, therefore, be completed immediately and at any cost. With all the assertations in publications such as Foreign Affairs that the PRC is emerging as both an economic and military threat to American interests. Its not surprising that LFA is being rushed into deployment and its harmful environmental of facts downplayed

It remain my contention that, at present, LFA is a long-range ASW the cold a system (capable of penetrating thermoclines). However, with 230db of power (a) tap, and given the mechanics of supercavitation I can see the potential for its use as a defensive verapon, from my own perspective, were I the CVBG commander. I would much rather a of FAAS TETASS as a long-range detection device and then prospect; any unknown rather to track a object their potential weapons range.

None of this fairs well for our friends in the water however. Any decice out ble of inducing a sonar signal into the water at 230db, whether for detection or fix to add the according to injure and kill marine mammals on a wholesate basis.

Appendix III. The Resonance of The Human Lang.

James S. Vartin, games martin@me.gatech.cdo.

Peter H. Rogers, peter.rogers@me.gatech.edu Georgia Institute of Technology School of Mechanical Engineering 281 Ferst Dr. Atlanta, GA 30332-0405

Edward A. Cudahy and Eric L. Hanson (Naval Submarine Medical Research Laboratory, Groton, CT 06349-5900).

Popular version of paper 2pBB2 Presented Wednesday afternoon, May 31 2000 139th ASA Meeting, Atlanta, GA

Developments in the low-frequency active sonar systems used by the world's navies and by oceanographers have led to concern over the unknown health threas posed by underwater sound to divers who are exposed to these systems. Since sound and anti-amount is perceived very differently from the way it is in air, simple extrapolation of noise exposure handards for airborne sound are clearly inappropriate to this problem.

The response of the human body to underwater sound is dictated by different physical principles than airborne sound exposures. The lungs are, probably, the most different example of this. Like all body tissues, they are stiffer in compression and considerably denser than air. Yet, they are much softer and lighter than water. Other body tissue is roughly comparable to water or, like bone, is both denser and stiffer. Normally pressurized by the atmosphere, lungs may have an internal pressure equivalent to 5 or more atmospheres when it can on is diving. These facts would lead a scientist familiar with the behavior of bubbbes to product a depth-dependent resonance caused by the motion of the lung against the mass of the surrounding water. If this vibration were undamped by body tastic, the ancien of the lung might be amplified by as much as 100 times because of the resonance of their was not known until now wast does the human lung acqually behave as his tastic at lightle?

In order to answer this question, researchers from Georgia Tear and the Natual Medical Research Laboratory conducted an experiment in which volumess have divine when exposed to underwater sound in an 1100 gallon pool inside a large laws fourly character which is normally used to treat decompression sickness. Varying the prosume with a law to chamber mimicked the effect of diving deeply without most of the associated list of the chamber the motion of the divers' lungs were measured simultaneously using a list of a cominques during a sound exposure. To assure diversalety very low sound to also year associated that this experiment. These produced motions of a sign in the fluoritie of in the

The results of the experiment reinforced the hypothesis that the leads by his one of like an air bubble. The measured lung resonances occurred anomid 39 Phytic results not second) unpressurized and nearly doubled at a pressure equivalent to a Parchari Chy (and of water. This was consistent with a lung whose stiffness was dominated by the new office. Doesnot doubling from both the suc, the amplification of lung motion produced to the resonance of a specific or of 5 to 7. For shore who have not experienced the Taos bear and 3 to 100 centers, which longests

Sensurround from the 1970s, 39 Hz is best described as the sound of a large diesel engine heard from a distance.

There are two ways in which the resonant amplification of lung motion could be dangerous to divers. Large motion might damage the lung itself or the lung might act as a secondary source of sound and cause damage to another organ system like the ear. The effects of resonant motion need not, however, be entirely negative. A project is currently underway in which researchers from Georgia Tech and Emory University are investigating the potentially therapeutic effects of low frequency underwater sound.

Oscillating chest compression is a common method for assisting cystic fibrosis patients in clearing excess mucus from their lungs. Accomplishing this compression with underwater sound offers many advantages over conventional techniques such as pounding the chest wall. The number of oscillation cycles which can be applied in a session is high (Eccasands per minute). the motion produced in the lung is nearly uniform (this suggests that beneficial effects will be provided to the entire lung rather than a small region of a principle. and large motions can be produced without injuring the patient. By exploiting the little is anural underwater resonance, the benefits of this therapy can be achieved in the motion and advantage of attentions, the system of the motion compact and providing an additional margin of safety for the patients.

RESONANCE & DISPLACEMENT TABLES FOLLOW

APPENDIX IV Plate and Box Middle Ear Model

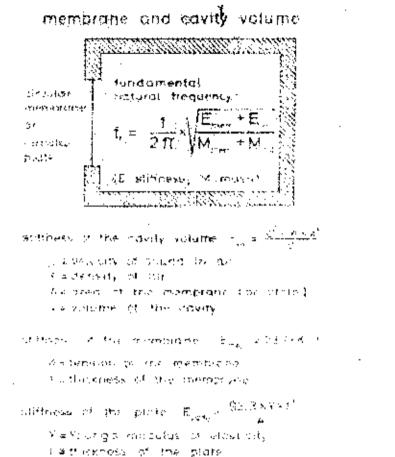


Fig. 16 Consequents detrimining the fundamental natural tregion (2 of 2 of our respective system). Our mid-life car is basically an approximations as so, it an appearance is

The middle ear,

is represented at a box of radius R, with a typamic bone plate of area A and thickness i. According to the formulas above, the resonance varies with depth as shown in the table. Using reasonable estimates of tympanic area and thickness for the bottlenosoil dojonin there are resonances in the LFAS range for depths to 287 feet. Youngs modulus — fx (i) 11

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Fytremely Urgent

Date: 5/51/01

1 me: 10:01 1'M

Number of Pages: 8

Fax Transmission

To: Donna Wieting

Company: RMFS

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Phone: 809-865-6222

Fax: \$08-065 0222

HyTech

P O Box 1979

Pahoa

I nited States of

Additional Comments:

PART 3

PAGES 21 to 27

From Dr. Michael Hyson

Resonance & Peak Displacements

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Sloger Street (See Same Speed)	<u> [</u>	107.86	38.40	13331	7.57	1,55000	공	17.59
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	651 245		ř.	73, 25,	1.7	00071	55	195.08
aggoid Same 5 form	7		9	4 30	(R)	135500	13.01	401 3 5
aveoid Suns 10x084z	1600	70° 11° 11°	26 00	2.75	0.0%	31.82000	31.93	285.62
$u.1=1\times10^{\circ\prime}7$						•		
	F (A)	Δ R Nr ptp	Δ R Nr rms	ARN ptp	ARN rms	Z	Ż	Depth Ft.
erygoid Sunus 100Hz	<u>5</u>	108.24	38.66	344.62	123.08	0.20000	2.03	-25.58
Eygold Simus 200Hz	දි දි	35.92	12.83	66.83	23.86	1.34000	4.62	10.87
stygoid Surus, 3001 iz	33	18.82	6.72	27.80	9.93	3,45000	7.53	78.35
erygoid Sinus 500Hz	<u>\$</u>	8.32	2.97	10.22	3.65	9.20000	13.89	262.24
aygod Smus 1000llz	000	2.74	86'0	2.98	1.06	27.02000	31.93	832.12
rvier Lung 136 Mer at surface								
9.4								
	54 14 14.	4 K 3. 18 p	AR Merica	ARNESS	ARN cos	7 ,	<i>;</i>	Denth Ft
5 S. J. L. J.	ê.	36		· 1378	r !		15.15 15.15 15.15	
Altonomy Supplies	<u></u>	: i	37	<u> </u>	<u> </u>	35.5(8(0))	35.55	3103.33
報節を 1000年	.E.	(S)	di ci		- P.	(0.00) (0.00)	70 CC	78 cc81
1979 J. 1985	ji.	: (5)	·	i (j. Gri	!	9700 LOC	19.5 19.5 19.5 19.5 19.5 19.5 19.5 19.5	2,505.8°
1. 14 · 15 · 15 · 15 · 15 · 15 · 15 · 15 ·	600		7). 6). 7).	286	S 0	247 80000	2/14.87	3892.66
	:		Santa A. N. Santa	7 · · · · · · · · · · · · · · · · · · ·	ALI VILLA	ø,	Ż	Depth Ft.
一人 人名英格兰 医多种乳球 建有工作品	1 	7 <u>.</u> 73.	<u>.</u>		16.93	(\$0) 4 (1)(3)	15.46	310.21
	; ; ;	· · · · · · · · · · · · · · · · · · ·			52	SOCIATION	35.50	946.63
(1) (1) (1) (1) (1) (1) (1) (1) (1) (1)	77		무슨	<u>C</u> ;	;;; c;	53,214,80	87,90	1669,36
A STATE OF THE STA	ę. Ž		: : –	See 16.	0)	1-02,500000	3.06.59	3245.97
	7. 2. 2. 3. 3. 3. 3. 3. 3. 3. 3. 3. 3. 3. 3. 3. 3	XVV		(5.5)	<u>e</u>	00000000	(X)	7729.57

Delphin Lung Mufri 1 v 10^6								
	हैं। (15) हेर	AR William	A R Nr mas	$\triangle R \otimes p^{\dagger}p$	△ R N rmis	×	ż	Depth Ft.
	·-·	Į. M	·20 合	11.33	\$ 12. \$ 12.	02/20/20/E	3.49	63.36
Couplin Long Louis	Ä	Mr. C.I	5.3	28.13	50.05	3.55000	2.99	209.47
Dagphin Lang 30001z	300	14,33	512	18.84	\$.19	12,60000	12.98	370.97
Exiphin Lang 50012	£8.1	% 883	2.39	6.72	유디	22,75000	22.99	695.57
Dolphin Lung 1000112]080	\$0°C	0.75	507	0.74	\$5,20000	54.98	1733.32
Mu $1 = 1 \times 10^{4}$								
	F (a)	AR Nr ptp	△ R Nr rms	A R N ptp	A R N rms	Z	Ķ	Depth Ft.
Dolphin Lung 100Hz	101	82.47	29.45	181.62	64.87	0.72000	3.49	-8.95
Dolphin Lung 200Hz	20 <u>1</u>	27.30	9.75	39.41	14.07	3.84000	800	28.06
Dolphin Ling 300Hz	301	14.30	5.11	17.84	6.37	8.35000	13.00	235.05
Dolphin tang 500Hz	[9].	6.33	92.5	6 0%	SSC	19,05000	23,95	577.24
Polyhin Lang Potter	(1)(1)	90 C	82.0	5: C1	%	50,24000	54.97	1574.70
Fine and Pang (1995)								
Mu £ = 1 x 10 \ 6								
	:. ::-	1. S. C. S. C.	AR North	13 4 5 A 5	And N 23 (2)	Z	Ņŗ	Depth Ft
The Control of the Parish of	 	\(\frac{1}{2}\)			6.37	45,00000	45.60	1485.00
Preside Land 1991	W.		. 	7.61	() ()	103.80000	104.14	3415.50
STREET ARTS ST.	-:- :-	08.8	== .::	3.9%	<u>[1</u>	169,00000	169.68	5557,00
Enclosed and Seeking	55 \$7	12	500	₩ F	500	31.2 G (CQ)	312.77	10296.00
			 ::	65 07 (C)		Control of the contro	718 (T	23661.00
· · · · · · · · · · · · · · · · · · ·								
	;, ;,	2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1	20 Nr 2002	ない いい	2 R N mm	Z.	ż	Depth Ft.
Figure 1 seeds to 19 of the	10%	X 200	1.00	편	100 (30)	46,000,00	45.50	1320.00
	200	X.C.		(SE)	(20) (1) (1)	08.8000	104.17	3250,50
The Name Walte	77 27	155 m	=======================================	(10) (10)	· ;-	154 - 00000	92.691	5412.00
The second secon	s.Ē	···	41 1		::	34) 1 K (K)	317.88	10131.00
Friback Lang 1 (0.15)	12	86.5	10.5	0.58		\$12,00000	718.15	23496.00
			PAGE	27 of 27				